

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

JOHN WAITE, an individual; EARLE R. ELY, JR. p/k/a JOE ELY, an individual; KASIM SULTON, an individual; SUSAN STRAW HARRIS p/k/a SYD STRAW, an individual; LEONARD GRAVES PHILLIPS, an individual; STAN SOBOL a/k/a STAN LEE, an individual; STEVE WYNN, an individual; DENNIS MEHAFFEY p/k/a DENNIS DUCK, an individual; and DAVID PELLISH p/k/a DAVE PROVOST, an individual, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

UMG RECORDINGS, INC., a Delaware corporation doing business as Universal Music Group; CAPITOL RECORDS, LLC, a Delaware limited liability company; and DOES 1 through 10,

Defendants.

Civil Action No. 1:19-cv-01091-LAK

**PLAINTIFFS' NOTICE OF RENEWED  
MOTION TO SEVER DEFENDANTS' COUNTERCLAIMS**

PLEASE TAKE NOTICE that, pursuant to the Court's Order dated February 19, 2021 (Dkt. 122), Federal Rule of Civil Procedure 21, and in conjunction the previously submitted briefing regarding Plaintiffs John Waite, Kasim Sulton, Susan Straw Harris p/k/a Syd Straw, Leonard Graves Phillips, Stan Sobol p/k/a Stan Lee, Steve Wynn, Dennis Mehaffey p/k/a Dennis Duck, and David Pellish p/k/a Dave Provost, on behalf of themselves and all others similarly situated ("Plaintiffs"), Motion to Sever Defendants' UMG Recordings, Inc. and Capitol Records, LLC ("Defendants") Counterclaims (Dkt. 113, 114), as well as the responses and replies thereto (Dkt. 118, 120), Plaintiffs hereby move this Court before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United

Memorandum Endorsement


Waite v. UMG Recordings, Inc., 19-cv-1091 (LAK)

This motion – which, contrary to its docket entry and title on the notice of motion, is not a motion to sever defendants’ counterclaims, but instead a motion to renew prior motions for that relief – is granted.

The Clerk shall revise the description in docket entry 133 to read Motion to renew prior motions to sever defendants’ counterclaims.

SO ORDERED.

Dated: September 4, 2021

  
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Lewis A. Kaplan  
United States District Judge